

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**JOANNA CASTRO,
PLAINTIFF**

V.

**ALBERT SALINAS,
DEFENDANT**

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CIVIL NO. 5:18-CV-00312-DAE

**DEFENDANT’S UNOPPOSED MOTION TO EXTEND
DEFENDANTS’ DEADLINE TO FILE REPLY TO PLAINTIFF’S RESPONSE
TO DEFENDANTS’ MOTION TO DISMISS ADDED DEFENDANTS IN
PLAINTIFF’S SECOND AMENDED COMPLAINT**

COME NOW Defendants RENE VALENCIANO (“Valenciano”) and the CITY OF OLMOS PARK (“City”) (collectively referred to as “Defendants” and “Added Defendants”) and, in the above numbered and entitled cause of action, and hereby file this Unopposed Motion to Extend Defendants’ Deadline to file their Reply to Plaintiff’s Response to Defendants’ Motion to Dismiss Added Defendants in Plaintiff’s Second Amended Complaint, and would respectfully show the following:

**I.
Background**

1. Plaintiff filed her Original Complaint on April 26, 2018. [Dkt. 1].
2. Subsequent to Defendant Salinas filing a Motion to Dismiss [Dkt 3], Plaintiff filed an Amended Complaint. [Dkt.4].
3. On July 2, 2018, Defendant filed a Motion to Dismiss Plaintiff’s Amended Complaint [Dkt. 5].

4. The parties held a Rule 26(f) conference and filed their Joint Report and Proposed Scheduling Order on July 27, 2017 [Dkt. 9]. The Scheduling Order was entered on August 2, 2018. [Dkt. 10].

5. On December 17, 2018, the Court issued its ruling, denying Defendant Salinas' Motion to Dismiss Plaintiff's First Amended Complaint. [Dkt. 13].

6. On December 22, 2018, Plaintiff filed a Second Amended Complaint. [Dkt. 17]. On February 15, 2019, Defendants filed their Motion to Dismiss Added Defendants in Plaintiff's Second Amended Complaint. [Dkt 22]. Plaintiff filed her Response thereto on March 15, 2019. [Dkt 25]. Defendants' Reply is due on March 22, 2019.

7. Defendants are requesting an extension of approximately twelve (12) days to April 3, 2019, not for delay, but only for good cause. Defendants' attorney, Adolfo Ruiz' wife was unexpectedly hospitalized on March 19th, and Mr. Ruiz has out of town depositions on other matters scheduled on March 21 and 22, 2019.

8. Therefore, Defendants request an extension until April 3, 2019 to file Defendants' Reply to Plaintiff's Response to Defendants' Motion to Dismiss Added Defendants in Plaintiff's Second Amended Complaint.

9. This is request for additional time is not sought for purposes of delay, but to see that justice is done.

II. AUTHORITY

10. Federal Rule of Civil Procedure 6 provides that when an act may or must be done within a specified time, the court may, for good case, extend the time (a) with or without motion or notice, if the Court acts, or if a request is made, before the original time or its extension expires. *See* Rule 5(b), Fed. R. Civ. Proc.

CERTIFICATE OF CONFERENCE

11. The undersigned conferred with Plaintiff's counsel via telephone conference and email correspondence on March 20, 2019. Plaintiff's Counsel agreed to the extension.

/s/ Adolfo Ruiz
ADOLFO RUIZ

**III.
CONCLUSION**

For these reasons, Defendants asks the Court to enlarge the time to file their Reply to Plaintiff's Response to Defendants' Motion to Dismiss Added Defendants in Plaintiff's Second Amended Complaint until April 3, 2019.

SIGNED this 21st day of March, 2019.

Respectfully submitted,

DENTON NAVARRO ROCHA BERNAL & ZECH
A Professional Corporation
2517 N. Main Avenue
San Antonio, Texas 78212
Telephone: (210) 227-3243
Facsimile: (210) 225-4481
patrick.bernal@rampage-sa.com
adolfo.ruiz@rampage-sa.com

BY: /s/ Adolfo Ruiz
PATRICK C. BERNAL
State Bar No. 02208750
ADOLFO RUIZ
State Bar No. 17385600
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served in accordance with the Federal Rules of Civil Procedure on this 21st day of March, 2019, to the following:

Millie L. Thompson
Law Office of Millie L. Thompson
1411 West Ave., Ste. 100
Austin, Texas 78701

E-NOTIFICATION

/s/ Adolfo Ruiz
PATRICK C. BERNAL
ADOLFO RUIZ

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